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*Attorneys for Plaintiffs League of Conservation Voters et al.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

|   |   |                       |
|---|---|-----------------------|
| LEAGUE OF CONSERVATION VOTERS <i>et al.</i> , | ) |                       |
|   | ) |                       |
| <i>Plaintiffs,</i>                            | ) |                       |
|   | ) |                       |
| v.  | ) | No. 3:17-cv-00101-SLG |
|   | ) |                       |
| DONALD J. TRUMP <i>et al.</i> ,               | ) |                       |
|   | ) |                       |
| <i>Defendants,</i>                            | ) |                       |
|   | ) |                       |
| AMERICAN PETROLEUM INSTITUTE and STATE        | ) |                       |
| OF ALASKA,                                    | ) |                       |
|   | ) |                       |
| <i>Intervenor-Defendants.</i>                 | ) |                       |
|   | ) |                       |

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**PLAINTIFFS' NOTICE TO THE COURT**

Counsel for Plaintiffs in the above-captioned matter file this notice to inform the Court that it has recently come to their attention that one of the seismic permit applications referenced in both their complaint and the Court's recent order had been withdrawn by the date the complaint was filed. This notice is for informational purposes only, not to request that the Court take any action.

Plaintiffs' complaint averred that "a seismic operator, SAExploration, has sought federal authorizations to conduct 3-D seismic exploration in the Beaufort Sea nearshore area." Dkt. 1 at 16, ¶ 39. That statement was correct as far as it went, but can be read as implying that the application was pending at the time of filing. In fact, that was Plaintiffs' understanding, based on the federal government's contemporaneous online listing of seismic applications for Alaska waters. *See* Exhibit 1 (screenshot of archived Bureau of Ocean Energy Management web page of May 13, 2017). However, according to the agency's current web page, this particular application had actually been withdrawn on April 21, 2017, 12 days prior to filing of the complaint.

The Court quotes this averment in its Order re Motions to Dismiss, Dkt. 45 at 18, along with several other indicia of industry interest in conducting seismic testing in the Arctic and Atlantic oceans. Among other evidence, these include multiple permit applications for Atlantic operations that were pending at the time

of filing—at least six applications before the Department of Interior and four related applications before the National Marine Fisheries Service. *Id.* and Dkt. 1 at 16-17, ¶¶ 39-41. Although, like the complaint, the order’s description of the SAEExploration application is correct as written, Plaintiffs nevertheless wish to be sure the Court is cognizant of the fact that, while that application corroborates industry interest in seismic testing around the time of the complaint, it was itself not pending on the date the complaint was filed.

Respectfully submitted this 23rd day of March, 2018.

*s/ Erik Grafe*

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NATURAL RESOURCES DEFENSE COUNCIL

*Attorneys for Plaintiffs League of Conservation Voters;  
Natural Resources Defense Council; Sierra Club;  
Alaska Wilderness League; Defenders of Wildlife;  
Northern Alaska Environmental Center; Resisting  
Environmental Destruction on Indigenous Lands;  
Center for Biological Diversity; Greenpeace, Inc.; and  
The Wilderness Society*

PLAINTIFFS’ NOTICE

*League of Conservation Voters et al. v. Trump et al.*,

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## CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2018, a copy of foregoing Plaintiffs' Notice to the Court, and exhibit, was served electronically on all counsel of record using the CM/ECF system.

s/ Erik Grafe

Erik Grafe

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PLAINTIFFS' NOTICE

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